REMARKS

Claims 27 to 30 are added, claim 16 is canceled without prejudice, and therefore claims 14, 15 and 17 to 30 are currently pending.

Reconsideration of the application is respectfully requested based on the following remarks.

Applicants respectfully note that various papers from the Office, including the Filing Receipt, incorrectly state the title of the present application as being either "Control device" or "Controlling unit." However, the Application as originally filed correctly indicated the title of the present application to be "CONTROL UNIT." Therefore, the Applicants respectfully request that the Office correct their records with regards to the title of the present application and issue a corrected filing receipt. A request to correct the filing receipt is being concurrently filed.

With respect to paragraph 1 of the Office Action, the Information Disclosure Statement filed on February 16, 2005, is stated to have failed to comply with 37 CFR 1.98(a)(2) because copies or translations of the cited references were not supplied. However, the Applicants believe that all cited references were submitted with the filing of the Information Disclosure Statement. To facilitate matters, a copy of the Information Disclosure Statement submitted on February 16, 2005 is submitted herewith, along with the previously submitted references. As to the translation requirement, it is satisfied by the submission of the International Search Report. Nevertheless, English Abstracts of the German Patents are being provided as a courtesy.

With respect to paragraph 2 of the Office Action, as to a PCT case, the asserted amendment is not required in the present case. To facilitate matters, the Applicants have amended the specification as suggested by the Office Action.

With respect to paragraph 3 of the Office Action, the disclosure was objected to because of informalities. The Applicants have amended the specification as suggested by the Office Action. Therefore, it is respectfully requested that this objection to the specification be withdrawn.

With respect to paragraph 5 of the Office Action, claim 21 was rejected under 35 U.S.C. § 112, second paragraph, as having insufficient antecedent basis for the term "the at least one sensor." Claim 21 now recites "the at least one inertial sensor." Therefore, claim 21, as presented, is definite, and it is respectfully requested that the rejection be withdrawn.

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With respect to paragraph 7 of the Office Action, claims 14, 15, 17 to 20 and 22 were rejected under 35 U.S.C. § 102(b) as anticipated by Mason et al., "A Generic Multielement Microsystem for Portable Wireless Applications" (the "Mason" reference).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the claimed subject matter of the claims, as discussed herein. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic. Accordingly, it is respectfully submitted that any anticipation rejection premised on the inherency doctrine is not sustainable absent the foregoing conditions.

Independent claim 14 is directed to a control unit. Claim 14, as presented, includes the features of "*a processor situated in the housing; and at least one inertial sensor situated in the housing.*" Claim 14, as presented, also includes the features in which "*a data transmission between the processor and the at least one inertial sensor is digital, and wherein the data transmission is configured in such a way that transmitted data has at least one error bit and at least one status bit.*"

The "Mason" reference does not identically disclose (or even suggest) at least the above-identified claim features.

Specifically, the "Mason" reference does not identically disclose (or even suggest) at least the features in which the data transmitted between the processor and the inertial sensor

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has at least one error bit and at least one status bit. In fact, the Office Action acknowledges this by stating that: "*Mason ... doesn't explicitly disclose that the data transmission has one error bit and one status bit*" (page 9, emphasis changed).

Therefore, the above-discussed features of independent claim 14 are not identically disclosed (or even suggested) by the "Mason" reference. Accordingly, claim 14, as well as its dependent claims, are allowable.

It is therefore respectfully requested that the anticipation rejections of claims 14, 15, 17 to 20 and 22 be withdrawn.

With respect to paragraph 9 of the Office Action, claims 21 and 23 to 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over the "Mason" reference.

To reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature and it must also provide a motivation or suggestion for combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)). Thus, the "problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem", Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998).

Claims 21 and 23 to 26 depend from independent claim 14, and are therefore allowable for the same reasons as claim 1, since, as explained above, the "Mason" reference does not identically disclose, or even suggest, at least the claim features in which the data transmitted between the processor and the inertial sensor has at least one error bit and at least one status bit. Accordingly, claims 21 and 23 to 26 are allowable.

It is therefore respectfully requested that the obviousness rejections of claims 21 and 23 to 26 be withdrawn.

With respect to paragraph 10 of the Office Action, claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Mason reference in view of Boggs et al., U.S. Patent Application Publication No. 2001/0037491 (the "Boggs" reference).

Claim 16 has been cancelled, and therefore this rejection is moot, since its features have been included in claim 14.

Further regarding this rejection, independent claim 14, as presented, includes features which were previously presented as part of claim 16. For example, the feature of claim 14 providing for the data transmitted between the processor and the inertial sensor has at least

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one error bit and at least one status bit are substantially similar to features previously presented in claim 16. As explained above, the "Mason" reference does not identically disclose (or even suggest) at least the claim features in which the data transmitted between the processor and the inertial sensor has at least one error bit and at least one status bit.

Furthermore, the "Boggs" reference does not cure the critical deficiencies of the "Mason" reference with regard to the rejection of claim 14. Specifically, the "Boggs" reference also does not identically disclose (or even suggest) at least the claim features in which the data transmitted between the processor and the inertial sensor has at least one error bit and at least one status bit. In the rejection of claim 16, the Office Action states:

> "Boggs discloses a similar control system including *logic controller and input sensors (paragraph 0005)* having *data transfer with error bit and parity bit (Paragraphs 132, 136, 137,199,202, 238-240).* Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the error bit and status bit with data transfer. One would have been motivated to use this in order to check the status of the system sensors and to check/correct the error in the transferred data." (pages 9-10, emphasis changed)

Thus, the Office Action states that the "Boggs" reference discloses a logic controller and input sensors (at paragraph 5) having data transfer with error bit and parity bit (at paragraphs 132, 136, 137, 199, 202, 238-240). However, the cited portions of the "Boggs" reference do not disclose the feature in which data is transmitted between the processor and the inertial sensor has at least one error bit and at least one status bit.

Firstly, the conclusory assertions of the Office Action (that the combination of programmable logic controllers and input sensors discussed in paragraph 5 of the "Boggs" reference is the combination of devices being discussed in regards to the data transfer discussed in paragraphs 132, 136, 137, 199, 202, 238-240 of the "Boggs" reference) are not supported. For example, there is no discussion in the "Boggs" reference that the pulse catch and change of state detection discussed at paragraphs 132, 136 and 137 is between the programmable logic controller and a sensor. Similarly, there is no discussion in the "Boggs" reference that the bus transaction sequence discussed at paragraphs 238-240 is between the programmable logic controller and a sensor. Instead, the bus transaction sequence is merely referred to as being between a master and a slave. However, the "Boggs" reference does not disclose that the slave is a sensor.

Secondly, the "Boggs" reference does not disclose that the data transmitted between a processor and an inertial sensor has at least one status bit. Instead, the pulse catch and

change of state detection discussed at paragraphs 132, 136 and 137 of the "Boggs" reference merely sets a state change flag and input status registers <u>on the programmable logic controller</u>. However, the state change flag and input status registers are not part of the transmitted data, but are instead internal to the programmable logic controller. Additionally, the "Boggs" reference does not disclose that a specific <u>status bit</u> of the input data causes the setting of the state change flag and input status registers. Instead, the "Boggs" reference merely refers to detecting a change in state of <u>any</u> input data. That is, the change of state flag is merely set in response to the input data changing <u>at all</u>, and does not reflect a transmission of a status of an inertial sensor. Moreover, the <u>parity bit</u> discussed at 238-240 is also not a <u>status bit</u>.

Accordingly claim 14 and its dependent claims are allowable.

New claims 27 to 30 do not add any new matter and are supported by the present application. Claims 27 to 30 depend from claim 14, as presented, and are therefore allowable for the same reasons as claim 14, as presented.

Accordingly, claims 14, 15 and 17 to 30 are allowable.

CONCLUSION

In view of the foregoing, it is believed that the objections and rejections have been obviated, and that pending and considered claims are therefore allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, and that the present application issue as early as possible.
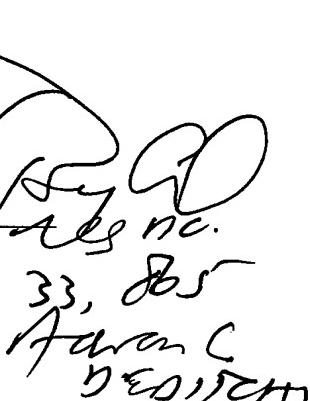
Respectfully submitted,

KENYON & KENYON LLP

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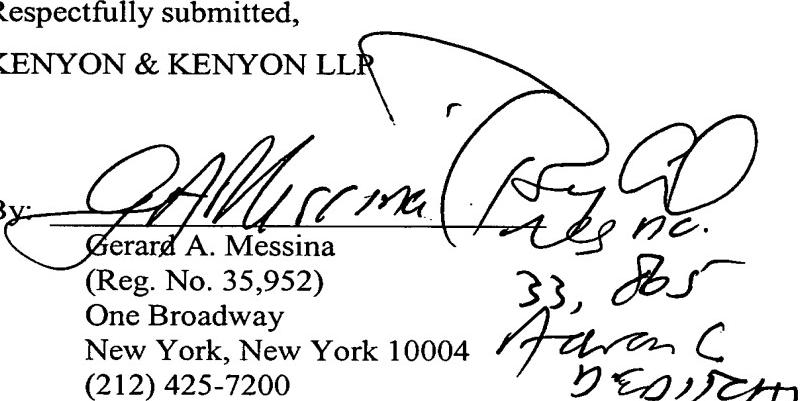
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